

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

CATHERINE O'KEEFE,

Plaintiff(s),

v.

HOLLAND AMERICA LINE INC., et al.,

Defendant(s).

CASE NO. C22-1111-KKE

MINUTE ORDER

The following Minute Order is made by direction of the Court, the Honorable Kymberly K. Evanson, United States District Judge:

Oral argument on the pending motions in this case has been scheduled for November 28, 2023. *See* Dkt. No. 49. The Court directs counsel to come to that hearing prepared to discuss, *inter alia*, the following issues:

- (1) Defendants urge the Court to avoid addressing the choice-of-law issue raised by Plaintiff. *See* Dkt. No. 34 at 9-10. What authority supports Defendants' position that Plaintiff should raise the choice-of-law argument to the arbitrator rather than the Court?
- (2) Defendants assume the "relevant time" for purposes of determining Plaintiff's country of citizenship is sometime before November 22, 2022. *See* Dkt. No. 34 at n.1. When does each party believe Plaintiff's country of citizenship should be determined, and what authority supports that position?

1 (3) Is either party aware of authority that would allow the Court to compel arbitration but
2 modify the location of the arbitration and/or the applicable law? Or must the arbitration
3 provision be either enforced in its entirety or declared null and void? The Court is
4 aware that defendant cruise ships have, on other occasions, offered to stipulate to
5 arbitration in the United States and/or to the application of United States law. *See, e.g.,*
6 *Yuzwa v. M/V OOSTERDAM*, No. 12-2663, 2012 WL 6675171, at *5 (C.D. Cal. Dec.
7 17, 2012); *Javier v. Carnival Corp.*, No. 09-2003, 2010 WL 3633173, at *9 (S.D. Cal.
8 Sep. 13, 2010). Are these cases instructive here, in the absence of such a stipulation?

9 Dated this 21st day of November 2023.

10 Ravi Subramanian

11 Clerk

12 /s/ Serge Bodnarchuk

13 Deputy Clerk